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In re Application of: MCNICOL, John ,et al. :
U.S. Application No.: 10/531,314 : DECISION ON PETITION FOR
PCT No.: PCT/CA2003/001044 : REVIVAL OF ABANDONED
International Filing Date: 11 July 2003 : APPLICATION UNDER
Priority Date: 03 October 2002 : 37 CFR 1.137(b)
Attorney's Docket No.: 9-13528-185US-1 :
For: OPTICAL DISPERSION :
COMPENSATION ... OPTICAL :
COMMUNICATION SYSTEM :
:

The petition for revival under 37 CFR 1.137(b) filed 13 April 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). Applicant has now submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States.

The 13 April 2005 submission included an executed declaration. However, this declaration is not in compliance with 37 CFR 1.497. Specifically, the declaration appears to be a compilation; two copies of the same first page of the declaration have apparently been combined with a single copy of the second page of the declaration. Such compilation is impermissible (see MPEP § 201.03, page 200-7: "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration"). Accordingly, a declaration in compliance with 37 CFR 1.497 is still required.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 is required.

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